

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RYANAIR DAC,

Plaintiff,

V.

BOOKING.COM B.V., and KAYAK
SOFTWARE CORPORATION,

Defendants.

BOOKING.COM, B.V.

Counterclaim Plaintiff.

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Civil Action No. 20-1191-WCB

**SUPPLEMENTAL ORDER ON DISPUTED EXHIBITS AND DEPOSITION
DESIGNATIONS**

This order supplements the court’s previous order regarding disputed trial exhibits and deposition designations. Dkt. No. 427. The court rules on the remaining disputes as follows:

The defendants objected to PTX 1, 2, 162, and 163 on the grounds of relevance, lack of a sponsoring witness and foundation, and hearsay, and that the exhibits are argumentative. Those objections are overruled. The cease-and-desist letters may be admitted after redactions as to references that reflect Ryanair's theory of the case.

The defendants objected to PTX 14 and 15 on the grounds of relevance, hearsay, and lack of a sponsoring witness and foundation, and that the exhibits are argumentative. The email and attachment may be admitted for the non-hearsay purpose of showing knowledge by Booking.com. The remaining objections are overruled. The defendants also objected to the following related designations from Anne Hosseau's deposition: 65:24-66:1; 66:16-18; 67:1-8; 67:17-68:8; 70:22-

25; 71:6-8; 71:14-72:13; 72:18-22; 74:1-25; 75:2-76:25; 77:2-8; and 79:9-80:8. Those objections are overruled.

The defendants objected to PTX 87 on the grounds of hearsay and relevance. Those objections are overruled. During argument, the defendants additionally raised the issue of prejudice from having the Ryanair's Terms of Use before the jury. Plaintiff Ryanair may elicit testimony regarding the Ryanair Website's Terms of Use but may not enter the Terms of Use into evidence.

IT IS SO ORDERED.

SIGNED this 15th day of July, 2024.

A handwritten signature in black ink, reading "William C. Bryson". The signature is written in a cursive style with a horizontal line underneath it.

WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE